



An  
Bord  
Pleanála

## Inspector's Report ABP-310456-21

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<b>Development</b>	Demolish two sheds and a septic tank, and construct two slatted sheds and associated development
<b>Location</b>	Ross townland, Manorhamilton, County Leitrim
<b>Planning Authority</b>	Leitrim County Council
<b>Planning Authority Reg. Ref.</b>	P.20/229
<b>Applicant(s)</b>	Sean McMorrow
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	Sean McMorrow
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> September 2021
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

**1.1.** The appeal site is stated to measure 0.2 hectares and is situated in the townland of Ross on the southwestern boundary of Manorhamilton town in north County Leitrim. It currently accommodates a cluster of agricultural buildings primarily used for the housing of livestock and fodder, as well as livestock pens, with a single-lane vehicular access track winding down to the site from Ross Lane (L-6176-0 local road) 70m to the east of the site. A former abattoir building forms part of the farmyard complex. The surrounding area to the west and south is largely dominated by agricultural fields on lower ground. Directly to the north of the site are the grounds of St. Clare's Comprehensive School, while the eastern side of Ross Lane is flanked by low density housing.

## **2.0 Proposed Development**

- 2.1.** The proposed development for which permission is sought, would comprise the following:
- demolition and removal of two agricultural sheds measuring a stated 74sq.m and a septic tank;
  - construction of a six-bay double-slatted sheep shed measuring a stated 433sq.m and with underground slurry storage tanks;
  - construction of a four-bay lambing shed measuring a stated 200sq.m with a livestock holding pen and a dipping pond;
  - all associated development, including concrete apron, storm and surface water drainage and boundary treatments.

In addition to the standard documentation and drawings, the planning application was accompanied by a Farmer Full-Fertiliser Plan 2020, an Agricultural Development Application Form and an Appropriate Assessment (AA) Screening Report. In response to a further information request, revised notices were submitted by the applicant and clearance works alongside landscaping to improve sight visibility at the vehicular entrance were proposed along Ross Lane.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority decided to refuse to grant planning permission for the proposed development for one reason, which can be summarised as follows:

Reason 1 – the slurry spreadlands are within zones of extreme groundwater vulnerability, which could potentially lead to water pollution, including deterioration of the chemical or ecological status of Lough Gill Special Area of Conservation (SAC) (Site Code: 001976).

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Report

The initial report of the Planning Officer (February 2021) noted the following:

- environmental impact assessment (EIA) of the proposals can be excluded at preliminary examination and a screening determination is not required;
- the project does not require a stage 2 appropriate assessment, although it is recognised that the applicant's AA screening report does recommend restrictions and regulatory compliance with respect to application of organic wastes;
- the subject structures would be set back from the roadside within an existing established farmyard complex and would only be partially visible from the public road;
- sightline visibility looking south at the main entrance to the farmyard complex needs to be addressed as part of a further information request;
- the development would not have adverse impacts on the residential amenities of the area;
- further information is required with respect to slurry storage capacity and livestock numbers, the suitability of the lands intending for spreading of the associated organic waste, the control and management of potential waste

from the lambing shed, the status of the identified abattoir building on site and the intended wastewater drainage proposals for the abattoir building.

The recommendation within the final report of the Planning Officer (May 2021) reflects the decision of the Planning Authority and noted the following:

- traffic hazard would not be an issue given the revised proposals for the entrance area;
- farmyard manure would not be an issue and the abattoir has been decommissioned;
- the potential future transition of the farming operations from sheep to bovine farming has been accommodated in the waste storage tank capacity;
- concerns arise regarding the volume of the slurry storage capacity, which appears to be significantly in excess of the intended livestock to be housed;
- suitable spreadlands cross-referenced with those required within the applicant's Organic Nutrient Management Plan have not been submitted.

#### 3.2.2. Other Technical Reports

- Environment Department – further information initially requested and subsequently advised that permission should not be granted due to concerns regarding groundwater vulnerability of the spread lands;
- District Engineer – initially requested that a condition should be attached to address sightline visibility at the entrance onto Ross Lane and subsequently noted that the revised proposals provide for 70m sightline visibility.

#### 3.3. Prescribed Bodies

- An Taisce – no response;
- Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service) – no response;
- Inland Fisheries Ireland – sets out the environmental and legislative context for the development and also requires alternative spreadlands to be identified;
- The Heritage Council – no response.

### **3.4. Third-Party Observations**

- 3.4.1. During consideration of the application by the Planning Authority, no third-party observations were received.

## **4.0 Planning History**

### **4.1. Appeal Site**

- 4.1.1. I am not aware of any other planning applications relating to this site.

### **4.2. Surrounding Sites**

- 4.2.1. Recent permitted developments in the immediate area primarily relate to one-off housing, including Leitrim County Council (LCC) planning reference 18/275 relating to a site 70m to the south of the appeal site along Ross Lane.

## **5.0 Policy and Context**

### **5.1. Leitrim County Development Plan 2015-2021**

- 5.1.1. The policies and objectives of the Leitrim County Development Plan 2015-2021 are relevant and I am not aware of a new Development Plan for the 2022-2028 having been prepared at this stage. According to the current Development Plan, the majority of the site is located outside of the zoned settlement boundary to Manorhamilton, although a small portion at the entrance area of the site is within lands zoned for social and community purposes encompassing the adjoining St. Clare's Comprehensive School.
- 5.1.2. Section 4.7.2 of the Development Plan addressing 'agriculture' includes policy 62, which refers to the consideration, the facilitation and the encouragement of the sustainable development of agriculture without compromising the visual amenities of the countryside. General development management requirements are outlined in section 5.1.1 of the Development Plan and section 5.1.4 outlines that developments in rural areas should be considered with respect to their environmental impacts, visual impacts and traffic safety. Section 5.4.13 of the Development Plan specifically addresses agricultural development, including the need for proposals involving

effluent storage to be accompanied by Nutrient Management Plans and also to include specific design requirements. Sections 5.5.7 and 5.5.8 respectively address standards relating to vehicular access and sightlines.

## 5.2. National Guidelines and Legislation

5.2.1. The following guidelines and legislation are relevant:

- EU Good Agricultural Practices for the Protection of Waters Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018 and SI No.40 of 2020;
- Food Wise 2025 – A 10-year Vision for the Irish Agri-Food Industry (Department of Agriculture, Food and the Marine, 2017);
- Landspreading of Organic Waste – Guidance on Groundwater Vulnerability Assessment (Environmental Protection Agency, 2004).

## 5.3. Natural Heritage Designations

5.3.1. The nearest designated European sites to the appeal site, including SACs and Special Protection Areas (SPAs), are listed in table 1 below.

**Table 1.** Natural Heritage Designations

Site Code	Site Name	Distance	Direction
001976	Lough Gill SAC	30m	northeast
001403	Arroo Mountain SAC	5.1km	north
002032	Boleybrack Mountain SAC	5.5km	southeast
001919	Glenade Lough SAC	7.9km	northwest
000623	Ben Bulbin, Gleniff and Glenade Complex SAC	8.9km	northwest
004187	Sligo/Leitrim Uplands SPA	9.6km	northwest

## 5.4. Environmental Impact Assessment - Preliminary Examination

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application. It is proposed to demolish sheds and construct two replacement sheds to accommodate 220 to 224 sheep with underground slurry storage tanks. This

development would not exceed any threshold within Schedule 5 of the Planning and Development Regulations 2001-2021. The proposed development within an existing agricultural complex would not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site, as discussed below under section 8.0 of this report, and there is no hydrological connection present from the appeal site, such as would give rise to significant impact on nearby watercourses. Landspreading associated with the proposed development would be subject to the Good Agricultural Practices Regulations with regard to the organic wastes arising. It would not give rise to a risk of major accidents or risks to human health.

5.4.2. Having regard to: -

- the nature and scale of the proposed development, which is not a mandatory project identified in the Planning and Development Regulations 2001-2021,
- the location of the site within an existing agricultural farmyard complex, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- the location of the site and spreadlands outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001-2021,
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021,
- I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The first-party grounds of appeal, which were accompanied by correspondence from a Teagasc advisor and information relating to the condition of the lands proposed for landspreading, can be summarised as follows:

- the rationale for the development is based on the necessity and benefit of housing livestock during the winter months;
- to effectively address the cost and accessibility it would be necessary to install a 2.4m-deep tank, as opposed to the standard 1.2m-deep tank used for sheep housing;
- the area that would be subject of the associated landspreading may be described as having a mix of 'x – rock outcrops', extreme, high and moderate groundwater vulnerability;
- six weeks storage capacity for sheep slurry is required, whereas ten weeks or 40m<sup>3</sup> slurry holding capacity is proposed and this volume of slurry would not cause a risk to groundwater on the spreadlands considering the standard regulatory restrictions controlling the application of slurry, the loading per area (7m<sup>3</sup> per hectare) and the subsoils in evidence on the spreadlands during ground investigations;
- the topography, soil depths of 1.6m to 1.8m and the soil type comprising a limestone/sandstone derived fertile gley at the spreadlands in Geskanagh Glebe townland near Killarga would be capable of utilising the nutrients from the associated wastes;
- the applicant does not have access to other lands of lower risk of groundwater vulnerability.

### **6.2. Planning Authority Response**

6.2.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:

- the grounds of appeal do not address the reasons for refusal of planning permission;
- the development would only require a slatted tank with a capacity of 40m<sup>3</sup> and the appellant has failed to provide adequate reasoning for a tank with a capacity of 590m<sup>3</sup>;
- 24.7ha of land was initially identified as being suitable for landspreading and this was reduced to 10.87ha as part of the further information request with the lands only comprising extreme, high and 'X – rock outcrops' status groundwater vulnerability areas, despite the appellant's screening report for AA stating that the application of waste should only occur on moderate vulnerability risk lands;
- the boreholes undertaken at Ross townland adjacent to the site, which identified 1.6m to 1.8m subsoil depths, are not in an area of moderate groundwater vulnerability.

### **6.3. Observations**

6.3.1. None received.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having regard to the information presented by parties to the appeal and in the course of the planning application, and following my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following headings:

- Zoning, Local Amenities and Access;
- Waste Capacity;
- Landspreading.

## **7.2. Zoning, Local Amenities and Access**

- 7.2.1. The proposed development primarily comprises the demolition of two agricultural outbuildings within an established farmyard complex and the construction of two replacement structures for the housing of livestock, including a six-bay double slatted shed and a dry lambing shed. Part of the entrance area on site is located within an area zoned for 'social and community' land uses according to mapping accompanying the Leitrim County Development Plan 2015-2021. According to the zoning matrix contained in table 10 of the Development Plan, slatted shed units are not acceptable in principle on lands zoned for 'social and community' purposes. However, I note that both sheds subject of the proposed development would not be within the area zoned for 'social and community' purposes. Consequently, I am satisfied that the proposed development would not materially contravene zoning objectives of the Development Plan.
- 7.2.2. Taking into consideration the existing scale and established nature of the farmyard complex on this appeal site, and the predominance of agriculture uses in the area, particularly to the south and west of the site, the continuance, improvement and modest expansion of the farmyard complex would not be unexpected and would be acceptable in principle, subject to more detailed consideration of the planning and environmental impacts addressed below. Furthermore, I am satisfied that the scale, siting and design of the development, which would modernise and extend an existing facility, would be appropriate in this edge of town location and it would not be likely to have adverse impacts on the visual or residential amenities of the area.
- 7.2.3. The proposed development would be served by an existing single-lane agricultural access track off Ross Lane. During consideration of the proposed development, the District Engineer from the Planning Authority requested that sightline visibility at this junction be improved. In response to this request, the appellant has proposed groundworks to remove a 52m stretch of hedgerow along the western side of Ross Lane within their landholding. While the increase in traffic associated with the proposed redevelopment of this established farm operation would be likely to be negligible, the works would provide a safer means of access to the facility along the subject stretch of local road.

7.2.4. In conclusion, the proposed development should not be refused permission for reasons relating to zoning objectives, the impacts on local amenities and access.

### **7.3. Waste Capacity**

7.3.1. The closest surface water body to the appeal site is an open land drain approximately 30m to the northeast, which connects into the Owenmore River 220m to the north of the appeal site. This stream flows westwards before flowing into the River Bonet 1km to the west of the site. Based on the Environmental Protection Agency (EPA) online mapping resources (<https://gis.epa.ie/EPAMaps/Water>), these receiving waterbodies immediately downstream of the site are identified as having a 'good' water status under the Water Framework Directive (WFD) for the period 2013 to 2018. In the latest third-cycle risk assessment, each of these river waterbodies are identified as being 'not at risk' of meeting their WFD objectives by 2027. The relevant groundwater body, Dromahair, is identified as having a 'good' water status under the WFD for the period 2013 to 2018 and is not at risk of meeting the 2027 WFD objectives. The appeal site is not prone to flooding according to the available flood maps for this area (see [www.floodinfo.ie/map/floodmaps/](http://www.floodinfo.ie/map/floodmaps/)).

7.3.2. The Development Plan outlines various requirements with respect to agricultural developments that involve an element of effluent storage, including minimum waste storage requirements and the provision of details relating to the sloping, kerbing and channels serving silage slabs, the separation of waste and runoff waters, and proposals for water harvesting. In order to avoid pollution, under article 8 of the EU Good Agricultural Practices for the Protection of Waters Regulations (2017) (hereafter the 'Good Agricultural Practice Regulations'), general obligations are set out to ensure that the capacity of storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dungsteeds, farmyard manure pits, silage pits or silage clamps on a holding, are adequate to provide for the storage on the holding for adequate periods.

7.3.3. Storm water runoff from the development would be collected and discharged to a surface water soak-pit system. Continued use of the existing mains water supply is proposed to serve the development. According to the appellant, the bedding wastes associated with the proposed lambing shed would not be substantial in volume and this would be stored on the adjoining land to the north before spreading. The

Planning Authority do not object to this, subject to complying with the Good Agricultural Practice Regulations, which I note set minimum separations distances from certain sensitive features, which can be readily achieved in this case. Effluent arising from the housing of sheep in the slatted shed would be directed to underground slurry storage tanks, which the appellant states would be constructed and operated in accordance with the various Department of Agriculture, Food and Forestry specifications, including S101 addressing minimum requirements for slatted buildings, S102 roof/cladding requirements, S123 bovine livestock units and reinforced tanks requirements and S146 addressing wintering facilities for sheep. The floor area of the proposed slatted sheep shed would be 433sq.m and it would accommodate a maximum of 220 to 224 sheep. The underground storage tanks serving the slatted shed would have capacity for 590m<sup>3</sup> of slurry and based on data provided in the nutrient management plan (Farmer Full-Fertiliser Plan 2020) that was submitted with the application, the appellant's supplementary application form addressing organic waste nutrient management states that the tanks would only need to cater for 64m<sup>3</sup> of sheep slurry over a six to ten-week period when livestock would be housed.

7.3.4. The grounds of appeal acknowledge that the underground tanks exceed the minimum requirements, while asserting that their design and scale, including depths of 2.4m, are required to address cost implications and for ease of access. I note that in response to the Planning Authority's further information request, the appellant had initially stated that the tank sizes had been scaled to account for advice from a Teagasc advisor who required the appellant to futureproof the farming operations should they switch from sheep farming to beef farming. In response to the grounds of appeal, the Planning Authority note that the rationale for the size of the underground tanks does not address environmental concerns previously raised during consideration of the application.

7.3.5. Notwithstanding the reference to the potential for the development to serve a future beef farming operation, based on the Good Agricultural Practice Regulations and based on the development described in this application, which is proposed to house 220 to 224 sheep, the size of the two underground collection tanks proposed to serve the development would substantially exceed the minimum assigned waste storage holding volumes required for this part of the country. Consequently, the

capacity of the proposed waste storage to serve the development would be acceptable and would not be contrary to Development Plan requirements or the Good Agricultural Practice Regulations. Accordingly, permission for the proposed development should not be refused for reasons relating to waste storage capacity.

#### **7.4. Landspreading**

- 7.4.1. The Planning Authority's sole reason for refusal of planning permission was based on concerns relating to the potential for water pollution to arise from the agricultural operations on the appellant's landholding, as the spreadlands identified for the slurry to be generated from the development include zones of extreme groundwater vulnerability. In response to this, the grounds of appeal assert that given the characteristics of the spreadlands they could suitably cater for the insignificant volumes of slurry that would be generated by the proposed development.
- 7.4.2. Any spreading of sheep manure and nutrients would be required to be in accordance with the provisions of the Good Agricultural Practice Regulations and any revisions to same, including SI 40 of 2020 - European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2020, which provide greater protection for water quality from agricultural activities.
- 7.4.3. Within the initial planning application documentation, the spreadlands for the development were identified as comprising 14.9ha of grasslands adjoining the site in Ross townland, as well as 2.1ha of grasslands located approximately 580m to northwest of the site off Creamery Road in Manorhamilton and 7.7ha of grasslands located in the townland of Geskanagh Glebe 9.9km to the south of the site near Killarga village. Following a request for further information, the appellant reduced the 24.7ha of spreadlands to 10.8ha to comprise 3.1ha of the adjoining lands to the south of the appeal site and 7.7ha of land in Geskanagh Glebe townland. It is not stated why the lands off Creamery Road have been omitted in the revised proposals and I am satisfied that the omission of the spreadlands north of the appeal site within Ross townland would be necessary as much of these lands are situated within the designated area of Lough Gill SAC (Site Code: 001976).
- 7.4.4. Flood maps for this area do not identify the spreadlands at Ross townland as being within the predicted flood extents of Owenmore River, and the spreadlands at

Geskanagh Glebe townland are not within the flood extents of Cashel stream, which flows along the southern boundary of these lands (floodmaps.ie). The spreadlands do not slope steeply into the receiving surface waters. The appellant's nutrient management plan has been prepared for an operation comprising 220 to 224 sheep, with the nitrogen (N) and phosphorous (P) to be collected from housed sheep and subsequently spread on the identified lands. The appellant did not revise their nutrient management plan as part of the further information response or the grounds of appeal, but they have asserted in their grounds of appeal that the application of 40m<sup>3</sup> of sheep slurry to the lands at Geskanagh Glebe townland would pose negligible risk to groundwater with only 7m<sup>3</sup> of sheep slurry to be applied per hectare.

7.4.5. The total estimated annual nutrient excretion rates for the livestock to be accommodated on the overall landholding (24.69ha) would amount to 2,756kg in nitrogen and 424kg in phosphorous. However, based on the estimated slurry required to be spread (64m<sup>3</sup>), the whole farm grassland stocking rate of 110kg/N/ha/year and the Good Agricultural Practice Regulations, the total weight of sheep slurry arising would amount to an estimated 657kg of nitrogen and 97kg of phosphates to be spread annually on the identified spreadlands amounting to 10.8ha. Consequently, this would entail the application of 60.8kg of nitrogen and 8.9kg of phosphates per hectare on the spreadlands, which would be well below the maximum allowable annual fertilisation rates for nitrogen (206kg per hectare) and phosphates (30kg per hectare) on grassland, as is applicable based on the Good Agricultural Practice Regulations. This suggests a sizeable margin to contain the estimated organic wastes arising on the overall identified spreadlands.

7.4.6. The Planning Authority refer to the varying levels of groundwater vulnerability relating to the subject spreadlands, based on geological survey of Ireland (GSI) mapping. This would appear to indicate that the spreadlands in Ross townland are located over a poor aquifer with an extreme groundwater vulnerability, while the spreadlands at Geskanagh Glebe townland are located over a regionally-important aquifer with each of the groundwater vulnerability classifications; Rock near surface or karst (X), Extreme (E), High (H) and Moderate (M). The EPA document titled 'Landspreading of Organic Waste – Guidance on Groundwater Vulnerability Assessment' (2004) sets out appropriate responses with respect to the differing

status of groundwater vulnerability, which should not only be based on the regional mapping data, but also vulnerability assessment and on-site investigations. Based on the aforementioned EPA document, the groundwater protection response for landspreading on the subject lands at Ross townland confirms that landspreading would 'not generally be acceptable, unless a consistent minimum thickness of 1m of soil and subsoil can be demonstrated', whereas for the subject Geskanagh Glebe lands landspreading would 'not generally be acceptable, unless a consistent minimum thickness of 2m of soil and subsoil can be demonstrated'. Images of four test trial holes were included as part of the grounds of appeal, which the appellant asserts shows sufficient depth of subsoils to avoid the risk of pollution to groundwater. The two trial holes on the lands in Geskanagh Glebe are approaching depths of 2m and appear to indicate extensive areas of these lands would have suitable soil depths for landspreading. The trial holes at Ross townland were not undertaken on the spreadlands identified as part of the appellant's further information response.

- 7.4.7. Notwithstanding that the identified spreadlands do not omit the buffer zones required from features such as houses and the public road, given the evidence of soil and subsoil conditions it has been reasonably demonstrated that an extensive area within the Geskanagh Glebe spreadlands would be suitable for the proposed landspreading. I am satisfied that based on the information provided, including the volume of organic wastes (P and N) to be spread relative to the maximum standards in the Good Agricultural Practice Regulations, there would appear to be sufficient and suitable lands within the identified spreadlands at Geskanagh Glebe and away from sensitive features, such as surface waters, to take all of the organic wastes to be generated by the proposed development.
- 7.4.8. Having regard to the information submitted and available, the observed site characteristics and the proposed means to manage organic waste, I am satisfied that the proposed development can be undertaken and operated without substantial risk of pollution of water bodies in the vicinity of the site.



## 8.0 Appropriate Assessment

### Stage 1 Screening - Introduction

- 8.1.1. An AA Screening Report was submitted with the application. I have had regard to the contents of this report as part of my assessment below. The AA Screening Report concludes that the project would not have an adverse impact on the integrity of a European site. In assessing the proposed development, the Planning Authority considered that the project would not require a stage 2 appropriate assessment, despite their reason for refusal referring to the proposed development potentially posing a threat to water pollution, which would have a detrimental impact on Lough Gill SAC (Site Code: 001976). It is necessary to dispel reasonable scientific doubt when assessing the potential effects on the integrity of a European site. The Department of Culture, Heritage and the Gaeltacht did not respond to the Planning Authority following consultation.

### Receiving Environment & Proposals

- 8.1.2. The site location is described in section 1 of this report above and expanded upon with respect to drainage in sections 7.3 and 7.4 above. Details regarding the status of neighbouring receiving waters are outlined in section 7.4. A description of the proposed development is provided in section 2 of this report and expanded upon in the various sections in the planning assessment above and within the application and appeal documentation.
- 8.1.3. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the likely significant effects on European sites:
- discharge of silt laden / polluted waters from the site during construction works;
  - pollution to receiving waters during the operational phase.

### European Sites

- 8.1.4. The nearest European sites are listed in table 1 of section 5.3 above. There are no watercourses on the appeal site and it is not directly connected with a European site. The spreadlands in Ross townland drain into the Owenmore river, while the

spreadlands at Geskanagh Glebe townland drain into Cashel stream. Both of these watercourses are tributaries of the Bonet River and form part of the Lough Gill SAC (Site Code: 001976).

8.1.5. The conservation objectives for Lough Gill SAC are listed in table 2 below.

**Table 2.** Conservation Objectives for Lough Gill SAC

To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:		
Code	Description	
3150	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	
91A0	Old sessile oak woods with Ilex and Blechnum in the British Isles	
91E0	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* (priority habitat)	
Code	Common Name	Scientific Name
1092	White-clawed Crayfish	Austropotamobius pallipes
1095	Sea Lamprey	Petromyzon marinus
1096	Brook Lamprey	Lampetra planeri
1099	River Lamprey	Lampetra fluviatilis
1106	Salmon	Salmo salar
1355	Otter	Lutra lutra

8.1.6. Using the source-pathway-receptor model, there is potential connectivity via land drains bordering the spreadlands proposed to serve the proposed development to Lough Gill SAC. All other European sites can be discounted by virtue of their substantive distance from the appeal site and the lack of a pathway to the appeal site or associated spreadlands.

#### Test of Likely Significant Effects

8.1.7. The development area of the project is not directly connected to or necessary to the management of any European site and the proposed development would not result in the direct loss of habitats within any European sites.

- 8.1.8. The proposed development is examined in relation to any possible interaction with Lough Gill SAC, to assess whether it may give rise to significant effects on the site in view of its conservation objectives. A land drain is situated 30m from the appeal site, although no works or landspreading are proposed in this area. As outlined in sections 7.3 and 7.4 above, the wastewater element arising from the proposed development would not be likely to cause a deterioration in the quality of waters in the area, with details provided outlining surface and storm water management proposals and how the proposals would comply with the Good Agricultural Practice Regulations. Exclusion zones of a minimum of 10m separation distances would be required under the Good Agricultural Practice Regulations from watercourses to land spreading areas and this would be achievable based on the details submitted.
- 8.1.9. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

In Combination or Cumulative Effects

- 8.1.10. I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

Stage 1 AA Screening - Conclusion

- 8.1.11. Having completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development, the nature of the receiving environment, including the extent of the identified spreadlands, the distances to the nearest European sites and the hydrological pathway considerations, the information submitted as part of the appellant's Appropriate Assessment screening documentation and the Inspector's report, it can be concluded that by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## 9.0 Recommendation

- 9.1.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature, scale and appearance of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the provisions of the Leitrim County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be likely to cause a deterioration in the quality of waters in the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29<sup>th</sup> day of March, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.  
**Reason:** In the interest of clarity.
2. Details of the finishes of the shed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
**Reason:** In the interest of orderly development and the visual amenities of the area.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard –
- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and;
  - (b) all soiled waters shall be directed to storage tanks. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

**Reason:** In the interest of environmental protection and public health.

4. The sheds shall be used only in strict accordance with a management schedule, which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020, and shall provide at least for the following:
- a) Details of the number and types of animals to be housed.
  - b) The arrangements for the collection, storage and disposal of slurry.
  - c) Arrangements for the cleansing of the buildings and structures.

**Reason:** In order to avoid pollution and to protect residential amenity.

5. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks.

**Reason:** In order to ensure that the capacity of slurry storage tanks is reserved for their specific purposes.

7. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020.

**Reason:** To ensure the satisfactory disposal of water material, in the interest of amenity, public health and to prevent pollution of watercourses.

8. A minimum of 20 weeks storage shall be provided in the storage tanks. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of environmental protection and public health.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Colm McLoughlin  
Senior Planning Inspector

10<sup>th</sup> November 2021